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**MINUTES  
BOARD OF FORESTRY AND FIRE PROTECTION  
FULL BOARD OF FORESTRY MEETING**

**Sacramento, CA**

**March 4-5, 2008**

**BOARD OF FORESTRY MEMBERS:** Stan Dixon, Chair  
Pam Giacomini, Vice Chair  
David Nawi  
Jim Ostrowski  
Bruce Saito  
Lloyd Bradshaw  
Gary Nakamura  
Doug Piirto  
Tom Walz

**BOARD STAFF:** George Gentry, Executive Officer  
Eric Huff, Executive Officer, Forester's Licensing  
Teri Ashby, Board Counsel  
Chris Zimny, Regulations Coordinator  
Carol Horn, Executive Assistant

**DEPARTMENT STAFF:** Ruben Grijalva, Director  
Crawford Tuttle, Chief Deputy Director  
Bill Snyder, Deputy Director  
Russ Henly, Assistant Deputy Director

**INVITED PARTICIPANTS:** Jim Peña, Deputy Regional Forester, USFS R5  
Mike Landram, Regional Silviculturalist, USFS

**1. Call to Order**

Chairman Dixon called the Board of Forestry and Fire Protection to order at 4:00 on March 4, 2008.

*The Board's Mission:*

*To lead California in developing policies and programs that serve the public interest in environmentally, economically, and socially sustainable management of forest and rangelands and a fire protection system that protects and serves the people of the state.*

2. **Adjourn to Executive Session**

Chairman Dixon adjourned the Board to Executive Session.

3. **Reconvene Regular Session**

Chairman Dixon reconvened the Board to regular session on March 5, 2008 at 8:00 a.m.

4. **Announcement of Actions Taken in Executive Session**

Chairman Dixon reported that no action had been taken during Executive Session.

5. **Approval of Minutes from the Regular Meetings of October 2007 and January and February, 2008**

Executive Officer Gentry said he had some clarification work for the October and February meeting minutes, and approval will be deferred to the April Board Meeting for approval.

**03-05-95: Member Nawi moved to approve the January minutes with some minor edits. Member Giacomini seconded the motion, with the incorporation of her additional minor edits. The motion passed unanimously.**

6. **Report of the Chairman**

Chairman Dixon said the Board of Forestry and Fire Protection presented its highest honor, the Francis H. Raymond Award, to William (Bill) Dennison yesterday, March 4th at California Fat's Asian Grill and Steakhouse. Mr. Dennison began his career in 1954 as a graduate forester and retired in 2006. Mr. Dennison became a Registered Professional Forester in 1974 and was a Supervisor in Plumas County. Chairman Dixon said the award dinner was a very nice event, and well attended.

7. **Report of the Director/Department**

Chief Ruben Grijalva, Director of CAL FIRE, said the Department had worked out the pay scale inversion issue after three years. Chief Grijalva said the Department had been working on the inversion issue because supervisors and managers salaries were less than the people they were supervising. As a result, in some places in the state, 40% to 50% of the Department's manager and supervisor positions have gone unfilled. To correct this problem, supervisor and manager salaries are now a step higher. Chief Grijalva said all manager and supervisor positions in Sacramento have been filled, and the majority of positions have been filled in the northern region. He further indicated that the test of the inversion correction is to see whether or not it resolves the problem for the southern region.

Chief Grijalva stated that the Governor's proposed budget imposes a unilateral 10% reduction in General Fund expenditures across all agencies.

However, the Governor has proposed a 1.25% surcharge on insurance premiums throughout the state to be used to offset the proposed 44 million dollar reduction in the Department's fire protection budget. The proposal is intended to offset the proposed budget reductions such that the Department may avoid closures of stations, bases, and/or camps. Chief Grijalva added that non-essential employee travel will not be reimbursed, and that non-mission-critical positions will not be filled for an indeterminate period of time.

Chief Grijalva went on to note that the California-Nevada Tahoe Basin Fire Commission is concluding work on its findings and recommendations in response to the Angora Fire. The Commission will meet one final time on March 20-21. It is anticipated that the findings and recommendations of the Commission will then be delivered to the respective Governors of Nevada and California on March 21. Chief Grijalva explained that the Commission was broken up into a number of committees that were dealing with different aspects of the Angora Fire. Chief Grijalva chairs the Fire Safe Committee, which is focused on defensible space and fire protection issues. He noted that the committee was leaning toward recommending regulations that were virtually identical to California's Public Resources Code §4291 requirements for the Nevada side of the Tahoe Basin. He further indicated that the Tahoe Regional Planning Agency (TRPA) has been willing to give authority to local fire chiefs for marking and removal of trees up to 16" in diameter that represent a fire threat to structures.

Chief Grijalva noted that he and other Department staff met yesterday with the Board's Resource Protection Committee to discuss the update of the California Fire Plan. Chief Grijalva said the Department would support the Board's leadership and direction on the Fire Plan, and reiterated that State Fire Marshal Kate Dargan will be the lead for the Department.

Chief Grijalva then reported that he had spent four full days over the past two weeks interviewing applicants for the Jackson Demonstration State Forest Advisory Group. He noted that 32 individuals had applied for the Group and that he has submitted the names of 13 of those applicants for Board consideration and possible confirmation. Once confirmed by the Board, Chief Grijalva will select a chairperson and assign terms of three or four years as described in the Group's Charter. He went on to state that the 13 proposed members represented diverse interests with both local and statewide perspectives on the management of the Forest. Chief Grijalva said he was able to fill every category defined in the Charter except for "wildlife biologist."

For the record, the 13 individuals proposed for membership in the Group are as follows:

Mike Anderson, Licensed Timber Operator  
Jere Melo, Local Community, RPF  
Linwood Gill, RPF  
Brad Valentine, Fisheries Biologist  
Dan Porter, Botanist/Ecologist, Conservation Advocate  
Mike Liquori, Physical Scientist (Hydrology/Geology)  
Forest Tilley, Small Private Forestland Owner, RPF  
Mike Jani, Industrial Forestland Owner  
John Helms, Forestry Researcher  
Kathy Bailey, Environmental Advocate  
Peter Braudrick, Recreation

Vince Taylor, Environmental Advocate/Local Community  
Linda Perkins, Environmental/Conservation Advocate

Upon conclusion of Chief Grijalva's report, Chairman Dixon solicited the Board Members for questions of the Director. Member Nakamura then asked Chief Grijalva if he had background experience and education information for each of the proposed members of the JDSF Advisory Group. Chief Grijalva responded that he would provide that information to the Board today.

Member Walz asked Chief Grijalva if he had the discretion to reallocate budget dollars within the Department to provide adequate funding for resource management functions such as biology and archaeology. Member Walz noted that the Management Committee had discussed the problems related to the current situation with Northern Spotted Owl consultations and the cessation of the Department's certified archaeological surveyor training program. Chief Grijalva responded that there was some flexibility with the Department as a whole, but it is limited because the Department was taking reductions and even if the Governor's revenue part of the budget is approved, that money will go to the Fire Protection side only, and Resource Management, State Fire Marshal's Office, and Management Services will all continue to see a 10% reduction. There would be more flexibility in the individual programs to move funds according to program priorities. He concluded the response by stating that any Board recommendation as to reallocation of funds for specific program areas would also need to identify the program areas from which the funds would be taken.

Member Bradshaw asked for clarification regarding the authority being passed around between the Lahontan Regional Water Quality Control Board and TRPA. Member Bradshaw noted that the Commission talked about cutting trees up to 16 inches in diameter around homes for defensible space. He asked if defensible space tree removals would be conducted through the exemption process or if the Emergency Executive Order that relaxed the rules was still in effect for those trees. He further inquired as to whether or not tree removals were being commercialized and if the homeowners were accordingly paying yield tax on that material.

Chief Grijalva responded that TRPA and the Lahontan Regional Board's regulations were more restrictive than the Board's regulations. However, TRPA and the Lahontan Regional Board are now relaxing their regulations to allow homeowners to address their 100 feet of defensible space and primarily the first 30 feet surrounding the home. In the past, they were requiring RPFs to mark trees in defensible space, now they will allow that to be done by fire service professionals who work in the local jurisdictions. The homeowner finds someone who is willing to take down the trees, and whoever is doing the tree removal is the one who will absorb the cost in exchange for the wood they take out.

Member Bradshaw asked who was paying the yield tax on the merchantable material removed for defensible space in the Basin. Chief Grijalva then invited Bill Snyder to respond to Member Bradshaw's question.

Mr. Bill Snyder, Deputy Director for Resource Management responded that the Department has been working with TRPA and the Lahontan Regional Board to review existing fuel hazard reduction permitting options. He noted that the number of exemptions filed in the Basin has been minimal to date and went on to state that he does not think there will be significant commercialization of forest products in the Tahoe Basin in the near future.

Member Bradshaw asked if the Basin was operating under a different standard than the rest of the state in terms of permitting and yield tax reporting.

Deputy Director Snyder responded that he would have to get back to Member Bradshaw with regard to the yield tax question. Snyder noted that Board Members Nawi and Ostrowski had worked diligently on a proposal to consolidate permitting requirements in the Tahoe Basin. Mr. Snyder still believes that such efforts hold promise, though past efforts have not been successful.

Member Nawi clarified that he and Member Ostrowski did try and work with the various agencies to create a unified set of regulations for the Tahoe Basin. Member Nawi noted that though these efforts were not successful, it is still a worthwhile goal to pursue. He encouraged the Department to continue working toward a unified regulatory approach in the Tahoe Basin.

Member Nawi thanked Chief Grijalva for spending so much of his time on the task of interviewing potential appointees for the JDSF Advisory Group. Member Nawi asked if the Director intended that the Board take action on the proposed committee appointees today or at the meeting next month. Director Grijalva responded that timing of the proposed action was entirely at the discretion of the Board. In the interim, the Demonstration State Forest Advisory Group is handling oversight. Member Nawi asked if the Board took action at today's meeting to approve the appointments, at what point the JDSF Advisory Group would be able to begin meeting. Director Grijalva responded that they would be able to begin meeting within the next several weeks.

Director Grijalva further explained the process by which he reviewed the applications for the JDSF Advisory Group and conducted personal interviews.

Member Giacomini thanked the Director for the time he spent in the selection of potential candidates for the JDSF Advisory Group. She noted that the list of potential applicants was very comprehensive. She further indicated her preference to hold off on Board action on the proposed appointments until the next meeting to allow for a thorough review of applicant resumes and biographies. Member Giacomini recommended agendizing action on the Director's proposed Advisory Group appointments for the April Board Meeting.

Member Giacomini then thanked Chief Grijalva for his attendance of the Resource Protection Committee Meeting along with Department staff. She noted that the Committee had a good discussion of the state Fire Plan and that a subcommittee of Members Saito and Walz will continue to meet with State Fire Marshal, Kate Dargan on the Fire Plan update.

Member Piirto echoed Member Walz's concerns about the budget allocations for the Department's Resource Management functions. He noted that we are faced with difficult budget considerations, which will make it difficult for the Board and Department to respond to the public. Member Piirto asked Director Grijalva how we're going to communicate the impacts of service loss to the regulated public. Grijalva responded that it would be premature to do so until the Governor's budget is final, but that any reductions in Department function will be communicated to affected stakeholders.

Member Ostrowski noted that the Director's list of proposed appointees for the JDSF Advisory Group represented a significant mix of strong advocates, and people with a direct economic interest in the forest.

Member Ostrowski asked if the expectation is that the Advisory Group will work on a consensus basis or if a wide variety of differing perspectives will be produced by the Group.

Chief Grijalva responded that the Group is charged with the intent of seeking consensus. He further explained his hope that the Group would work diligently to arrive at consensus. The Director expects that there will be times when consensus is not achieved. In such instances, the lacking consensus will be documented, publicly debated and presented before a decision is made. Member Ostrowski responded with his understanding as to how the Group would operate as an advisory body pursuant to the Group's Charter.

Chief Grijalva went on to summarize the interests and qualifications of each individual applicant for the benefit of the Board. He noted that everyone on the proposed list was interested in seeing JDSF become a world-class working forest.

Member Nakamura noted that this Advisory Group is in itself a research project and he asked the Director if provisions for monitoring the Group's work had been made. Director Grijalva responded that the proposed appointees represent diverse perspectives and that he expects the Group's discourse to be passionate. Member Nakamura reiterated his question and Director Grijalva responded that the Board would be receiving regular updates on the function and progress of the Group.

Member Nawi asked and received clarification from the Director regarding the open "Wildlife Biologist" slot on the Group.

Member Nawi then inquired about the lawsuit by the state against the United States Forest Service on the Roadless Rule. Director Grijalva deferred to Chief Deputy Director, Crawford Tuttle.

Chief Deputy Director Tuttle explained that the state, through the Resources Agency and Department of Forestry and Fire Protection did file suit against the U.S. Forest Service alleging and contending that the Forest Service did not comply with a National Forest Management Act and/or NEPA in consulting with the state on the outcome of the Southern California Fire Management Plans for the Los Padres, Angeles, San Bernardino and Cleveland National Forest Management Plans. The state's legal action contends that a new designation was made for a couple of areas that would make those areas eligible for road building though they were not eligible in the past.

The Chairman thanked the Director for his report and personal appearance. Director Grijalva responded with an explanation of the reasons for his absence from past Board Meetings.

## **PUBLIC COMMENT**

Mr. Vince Taylor offered his appreciation of Chief Grijalva's efforts toward appointment of the JDSF Advisory Group. He noted that the Advisory Group was a key element of the Mendocino Working Group's recommendations. Mr. Taylor believes the Advisory Committee will work toward consensus and has a balanced representation. He went on to characterize the Group as the capstone of what all of the interests having been working for in the interest of JDSF. Mr. Taylor urged the Board to act on the Director's proposed appointments today as the Advisory Group needs to commence review of proposed harvesting plans as soon as possible.

## 8. Report of Board's Advisory Committees

- **California Oak Mortality Task Force (COMTF)**

Mr. Mark Stanley, Chair of COMTF, gave an update on the California Oak Mortality Task Force. Mr. Stanley's report was contained in the Board Binder. The 2008 COMTF-wide annual meeting will be held April 15-17, 2008 in San Rafael at the Marin Center. The meeting includes an afternoon field trip on April 15, followed by an evening reception at a local brewery. The general session on April 16 will focus on nursery, wildland, and regulatory updates, as well as the latest management and research information available and challenges being faced. On April 17, the Nursery Committee (open meeting) half-day session will focus on nursery-related research, management and regulation issues.

- **Range Management Advisory Committee (RMAC)**

Mr. Jeff Stephens provided a detailed update on RMAC's activities to date. He then explained that RMAC had two vacant positions to fill, and that the terms for both positions were four years. The first nominee presented was Clancy Dutra and he was nominated by the California Farm Bureau Federation. Mr. Dutra has ranched for the past 40-50 years and is an experienced RMAC member by previous appointment. The second nominee presented was RPF Scott Carnegie and he was nominated by the California Forestry Association. Mr. Carnegie is an experienced RMAC member by previous appointment. Mr. Stephens asked for Board consideration to accept the nominations of Mr. Carnegie and Mr. Dutra, and reappoint them as members of RMAC.

The next meeting of RMAC will occur on March 19, 2008 in Sacramento, beginning at 0800. It will be a meeting of the Full Committee. Mr. Richard Harris with UC Cooperative Extension and Mr. Gaylon Lee with the State Water Board have both expressed interest in agenda items and, and pending availability may attend.

**04-05-08: Member Piirto moved to accept the nominations of Clancy Dutra and Scott Carnegie and reappoint them both as members of the Range Management Advisory Committee. Member Giacomini seconded the motion. All members were in favor, and the motion passed unanimously.**

- **Monitoring Study Group (MSG)**

Mr. Pete Cafferata gave a short report on the last Monitoring Study Group meeting. Mr. Cafferata's report is contained in the Board Binder. The next Monitoring Study Group meeting is planned for the Lake Tahoe Basin to see water quality-related monitoring occurring in the basin particularly related to the 2008 Angora Fire. The meeting may last one and a half days, and has been tentatively scheduled for mid-May.

Member Ostrowski noted that he had attended the last MSG meeting and encouraged the other Board Members to do likewise.

- **Professional Foresters Examining Committee (PFEC)**

Mr. Eric Huff reported that the Professional Foresters Examining Committee met on February 28. They reviewed and discussed the Registered Professional Forester's draft exam to be held April 11. Seventeen new applicants were qualified to take the exam, for a total of thirty-seven applicants. The PFEC reviewed the four open disciplinary cases as well as three new complaints against Registered Professional Foresters.

Member Walz asked at what point the RPF is notified of a complaint against his license. Mr. Huff responded that the RPF is not notified until the PFEC feels it is appropriate to do so based upon the facts surrounding the complaint.

9. **Report from Jim Peña, Deputy Regional Forester, Region 5, USFS**

Mr. Jim Peña, Deputy Regional Forester for USFS, Region 5, said progress continues with their staff and CAL FIRE staff on how the Forest Service will address §4291 Fuels Clearance Rules adopted by the Board. The two staffs began meeting in August of 2007. They are looking at requirements of §4291, and how they might be applied to public land, particularly Forest Service lands where there are improvements or adjacent to public lands that have improvements. When they first started looking at §4291, USFS staff were reluctant to apply §4291 because of some specific wording that seemed to imply that it was just directed to SRA lands.

Mr. Peña went on to explain that the USFS and CAL FIRE staff and Counsel have been working together to sort out proper application of §4291 in relation to public lands. Mr. Peña said they had some discussions with the Executive Officer and CAL FIRE Counsel on specifications the USFS could apply to their special use permits that would implement §4291 on public lands. Mr. Peña said there seemed to be agreement that the USFS was currently meeting the intent and objectives of §4291.

Member Walz said the forest had been growing at a substantial volume for the last 20 years across most of the Sierra Nevada, and he asked what was going to be done to reduce the risk on national forest lands.

Mr. Peña said the Forest Service was moving forward on removing fuels on public lands. Last year the USFS received funding to implement about 37,000 acres in southern California, and they are on target to meet those expectations.

Member Walz asked a follow up question regarding the loss of the use of the Categorical Exclusions from NEPA to facilitate landscape fuels treatments. Mr. Peña responded that the loss of a permitting tool is never good, but that the Forest Service was still on track to meet fuels treatment expectations for the coming year.

Member Bradshaw asked how the Forest Service was focusing their concerns on emissions associated with wildfire. Member Bradshaw said many of the fuel hazard reductions that the USFS uses were control burns, which fly in the face of reducing carbon dioxide gas emissions. Member Bradshaw said it was his understanding that the USFS's fire suppression policies in wilderness areas were a "let burn policy", and many of the USFS's suppression efforts are to back up to a defensible ridge,



sometimes a considerable distance from the actual fire that they are trying to suppress, or burn it out. Member Bradshaw felt those uses of fire seemed to be in direct conflict with the Governor's direction for the state of California, and Assembly Bill 32 for Reduction of Greenhouse Gasses. Member Bradshaw asked if the USFS was prepared to pay for those emissions, and what was their approach to handle that situation.

Mr. Peña said the USFS did not have a "let burn policy". They have a suppression policy that is applied to all federal fire protection areas to provide an appropriate level of response to the conditions and the threat.

Mr. Peña said they have been working directly with the state Air Resources Board to help craft the forestry measures for reduction of greenhouse gasses. Mr. Peña said the USFS was fully engaged in working with staff on addressing those issues.

Member Bradshaw asked a follow up question as to the Forest Service's level of overall compliance with carbon emission reduction targets. Mr. Peña responded that he would provide the Board with a response to that question at a future date.

Member Ostrowski asked with regard to §4291, whether the lessee of long-term leased federal cabin sites have responsibility for maintaining the grounds around the cabin.

Mr. Peña responded that it would be the lessee's responsibility pursuant to the permit.

Mr. Peña then provided the USFS statistics for the 2007 fire season. He noted that the acreage burned in Region 5 for 2007 is the second highest total for burned acreage in the history of the agency. 196,000 acres were treated in 2007 for hazardous fuels reduction. Mr. Peña explained that the Forest Service had received a 1% increase in their budget, which would allow for pretty much the same level of fire suppression resources as 2007. He concluded is in the process of developing a comprehensive firefighter recruitment and retention plan.

Mr. Peña continued with an acreage summary of the Forest Service's efforts at salvage and reforestation of burned federal lands.

Executive Officer Gentry thanked Mr. Peña for his and Mike Chapel's assistance on the §4291 issue, and he felt they were close to resolving the issue. Executive Officer Gentry said in relation to AB 32, the Forest Service had been present at meetings and active in climate issues.

Member Bradshaw said he appreciated that the Forest Service were involved with the Air Resources Board efforts on forest protocols for reduction of carbon emissions. Member Bradshaw said one of the main focuses was to restore forested landscape after a fire for all the right reasons, including carbon sequestration processes. Member Bradshaw noted the Forest Service's reliance upon natural regeneration of burned areas to accomplish adequate stocking and he asked if the USFS was augmenting natural regeneration with vegetation control to ensure adequate stocking.

Mr. Peña responded that when the USFS makes the decision to prescribe natural regeneration, it is based on the assessment that it will be successful.

He explained that their track record of success is probably mixed. The Forest Service has had successes where they had problems with brush and other instances where they had attempted to control the brush and had issues with the brush.

Member Walz asked if it would be appropriate for the Board to consider some type of resolution directed toward the Natural Resources Committee of the United States Congress expressing the Board's concerns with regard to management of federal lands.

Chairman Dixon said it would be appropriate for the Resource Protection Committee to look into a resolution, and then make a recommendation to the full Board. Chairman Dixon asked Member Giacomini if she was interested in pursuing this.

Member Giacomini said the RPC would be glad to take it up, and she asked Mr. Zimny to agendize it for the next RPC meeting.

#### **10. Report on the Department's Nursery Program, and Interaction with the USFS**

Dr. Russ Henly, Assistant Deputy Director for Resource Management, provided a PowerPoint presentation and thorough overview of the history and current operation of the CAL FIRE Nursery Program; a prospective look at the future and challenges to the Nursery Program; and current levels of collaboration and opportunities for the future. A copy of the PowerPoint presentation is contained in the Board Binder.

Dr. Henly then introduced Mr. Mike Landram, Regional Silviculturalist for the USFS. Mr. Landram continued the PowerPoint presentation and likewise provided an overview of the federal nursery program. Mr. Landram noted that of three federal nurseries in the state, only the Placerville nursery was still operational and it is in trouble. He explained that while demand for container stock was on the rise, demand for bare root stock like that produced at the Placerville nursery is in decline. Mr. Landram then indicated that he had six key points for the Board's consideration as follows:

Key point number 1: the seedbank and seed extractory are not duplicated anywhere else in the state.

Key point number 2: The capacity to grow container stock at Placerville is maxed out. The federal government is contracting out now to meet the demand for container stock.

Key point number 3: unlike the state nursery program, the federal nursery program operates on a cost recovery basis. At current production levels, costs are not being fully recovered and the nursery is therefore being subsidized by the federal government.

Key point number 4: the financial break-even scenario for cost recovery requires production of between 3 and 4 million seedlings annually. The current six year average indicates production at right around 2.5 million seedlings annually.

Key point number 5: to deal with the issue of cost recovery, the nursery is operating under an emergency cost-cutting budget. For instance, the nursery does not currently have a nursery manager.

Key point number 6: the need for reforestation of federal lands is tied to the occurrence of wildfire in California.

Mr. Landram then provided an overview of the Forest Service's efforts to characterize the actual acreage of National Forest lands requiring reforestation through remote sensing. He noted that a significant portion of the total acreage burned in 2007 was not forest. Rather, it was southern California chaparral and other brush vegetation types.

He continued with the observation that the driver for reforestation varies wildly from year to year dependent upon the incidence of fire. By contrast, the manner in which the nursery is operated is far more consistent from year to year and this does not match the unpredictable incidence of fire very well. Mr. Landram suggested that continued operation of the nursery without regard for the variation in the occurrence of fire will result in the shut down of the Placerville nursery by the year 2019. As a result, Landram indicated that the Forest Service is now attempting to shift their operation such that it is responsive to and reflective of the variation in the occurrence of wildfire rather than the historical mode of operations.

Mr. Landram then concluded his presentation and solicited questions of himself and Dr. Henly.

Member Nakamura asked Mr. Landram if he had done the calculation on what 60,000 acres of reforestation could accomplish in terms of carbon sequestration. And, if so, is that something that can be taken to Congress for the purpose of soliciting assistance.

Mr. Landram said the Forest Service is involved with carbon sequestration in a few ways. In a broader context, they have a set of people, mostly state employees, and they are working on some deliverables for the Air Resources Board in the next couple of months. What the Forest Service has done is fed them information about reforestation/sequestration trends. Another effort involves the National Forest Foundation, a government sanctioned non-profit that exists to assist the Forest Service in programs of delivery. The Foundation has recently become interested in providing an avenue to make investments in carbon markets on National Forests. The Foundation has established a "carbon fund" and they are accepting donations for deposits into that fund to be invested on national forests with the intent to participate in carbon markets. The Forest Service has a Memorandum of Understanding with the National Forest Foundation whereby they seek to establish demonstration sites for the purpose of assisting anyone who wants to be involved in understanding how those markets might work, and how they work on the ground. They have two sites selected in 2009 for carbon demonstration projects.

Member Nakamura asked Dr. Henly about the possibility of the state nursery program sharing facilities with the Forest Service. Dr. Henly responded that this possibility had been examined in the past, but that the capital investment cost versus the benefits was too significant to overcome. At the same time, the state nursery program received additional revenues and therefore did not need to continue examination of this possibility. If things change once again, the state may need to reexamine the possibility of sharing facilities.

Member Saito asked Mr. Landram for clarification as to why the Forest Service was now ramping up its efforts toward reforestation of burned National Forest lands. Landram responded that this was largely the result of personal initiative and the agency's expression of will to complete this work.

Member Saito then asked why the acreage to be planted did not match up with the total acreage burned. Landram responded that the Forest Service has to support a wide variety of demands and obligations. However, if the will to replant can be maintained and the nursery operation matched to the occurrence of fire, the total number of acres planted could rise to meet the actual acres needing reforestation. The planting effort in 2009 is in essence an experiment to test the will of the federal government to meet the demand for reforestation into the future.

Member Walz noted that the information provided by Dr. Henly and Mr. Landram supported his earlier suggestion that the Board communicate with Congress. The state and federal nursery programs have an infrastructure problem. Neither the state nor the federal nurseries have a consistent and predictable demand for seedlings to plant on state and federal lands. As a result, the relevancy of the respective nursery programs is being lost. Member Walz does not believe either the state or federal nursery programs can overcome the infrastructure problem. Maintenance of permanent nursery facilities isn't well justified in the absence of consistent demand created by the active management of state and federal lands. Member Walz noted that it may be best to rely upon private nurseries if we aren't going to commit to active management of our state and federal lands.

Member Piirto expressed disagreement with Member Walz's assertion. Member Piirto said California's seed zones and elevational requirements call for site-specific seed stock, which places huge challenges on the ability of the private sector to meet those demands. He believes that we need to have a specialized reforestation entity supported by state and federal funds. Member Piirto agreed with Member Walz's point that episodic activity makes it difficult to plan a program, but we need that infrastructure and those personnel in place. Member Piirto further stated that California has annual fires, and we have the need for a seed bank for the protection of California. If climate change were to result in drastic change, we would be glad we have the seed bank. A seed bank should be an investment the state and federal government makes for California's welfare in the future. The people of California need to understand that when the federal timber sale program went down, so too did the funding for reforestation. Member Piirto then questioned Mr. Landram as to how costs are being covered by federal funds and what alternatives for further funding are available.

Mr. Landram highlighted the funding sources that are used for reforestation on national forests, they call them annual allocations or budget line items. Mr. Landram said there was a single budget line item within the National Forest Service, called NFWV or National Forest Vegetation and Watershed. It goes through Congressional scrutiny, it covers reforestation, watershed condition work, noxious weed work, air quality work, and it covers a little bit of range. All five resource areas are covered by that one budget line item, and it is the primary mechanism for annual appropriations from Congress to perform reforestation work.

Mr. Landram said they also had a trust fund, called the Reforestation Trust Fund, which is sourced from tariffs on imports to the country, it is fixed at \$30 million by law, and is subject to annual discretion as to how much of that \$30 million would be made available to the agency, and then it is divided among the regions. California gets about \$5 million of that money. What is making the 2009 reforestation effort possible is the revision to the KV Act which passed a few years ago, which added some new provisions. Prior to the Act, funds that were declared surplus or excess or were not needed on timber sale areas for investments would have gone back to the Chief's office for consideration of transfer to the Treasury. The USFS now has new authority to return that money back to the region from which it came for investments. Mr. Landram said that the 2009 reforestation effort is reliant upon the KV returns that came back last year. He further added that the Forest Service is reaching out to establish a greater number of partnerships for the purpose completing projects.

Member Ostrowski stated that the reforestation backlog for Region 5 was documented some time back as 84,000 acres. He then inquired of Mr. Landram as to whether or not that acreage number had since been reduced. Mr. Landram responded that the acreage had been reduced by some amount. He further clarified that the term "backlog" is a legal term that applies to a specific circumstance resolved in the early 1980's. The term utilized by the USFS today is "reforestation need." Reforestation need is reported by each of the Regions on an annual basis. Region 5's current reforestation need is currently 130,000 acres as of October 1 due to the fires of 2007.

Member Ostrowski offered his appreciation for Mr. Landram's efforts to increase reforestation of federal lands. He noted that the policy issue here is whether or not we're going to take care of our National Forests in California. We need to have a system in place that provides constant, reliable funding, that had traditionally come from the harvesting of trees from our National Forests. From a policy standpoint, the Board should look at this with a little different perspective. Member Ostrowski concluded that we need to have a sustainable forest management program on the National Forests that does not rely on "robbing Peter to pay Paul." We have to support the idea of our National Forests providing and producing as part of the reforestation solution.

Member Nawi noted the obvious connection between climate change issues and reforestation. He asked if any thought had been given to the idea that there could be carbon credits, mitigation offsets for green house gas emissions, and those offsets of mitigation could be reforestation and a contribution to the nursery programs. Mr. Landram responded that the National Forests Foundation's "carbon fund" is a mechanism for capturing carbon offsets to pay for federal reforestation.

Member Piirto asked Mr. Landram and Dr. Henly how the Board can best support the nursery programs. Mr. Landram responded that this introduction to the Board and subsequent opportunities for discussion may yield positive outcomes.

Member Piirto suggested that this discussion should continue.

Member Giacomini said she looked forward to the field trip to the nurseries in April. She also noted that the Resource Protection Committee would take this up as a specific agenda item.

## **11. Road Rules Committee Presentation and Update on the Road Rules Package**

Mr. Pete Ribar gave a Powerpoint presentation on the Road Rules Committee Executive Summary Outline. A copy of Mr. Ribar's presentation is contained in the Board Binder. Mr. Ribar began his presentation with an explanation of the history of road-related regulation development. He then outlined the approach taken by the Road Rules Subcommittee to organize the existing road-related forest practice rules.

Mr. Ribar noted that the Road Rules Committee struggled with some of the issues, but came up with options where consensus could not be reached. This package is the best effort the group could come up with. Mr. Ribar noted that there was a lot of participation with a diverse group of people and agencies, and they tried to address all of the issues. He believes that the road rule regulatory proposal is comprehensive, and he would like to see the Board move it forward.

Member Nawi thanked Mr. Ribar for an excellent report and noted that it was a worthwhile exercise. He added that it may be difficult to accommodate the proposed Road Rules Package in the Forest Practice Committee in light of the other pressing topics before that committee.

Member Nakamura thanked Mr. Ribar for his voluntary efforts and asked if the Department concurred with the proposed rule package. Mr. Ribar responded that the package presented is not unilaterally endorsed by every participant. Where consensus could not be reached on a particular change, multiple options were presented.

Member Ostrowski said he appreciated the Committee's effort. He noted that the proposed package accomplished the goal of clarifying the rules and bringing them up-to-date for the benefit of water quality. Member Ostrowski encouraged the Board to fully support the Road Rules Package, and to take action as soon as they could.

Member Nawi agreed with Member Ostrowski and asked the Board if the Forest Practice Committee should move forward with review of the Road Rules Package. The Board concurred, provided that the Forest Practice Committee could fit this topic in to its current agenda.

## **PUBLIC COMMENT**

Mr. Richard Gienger said Mr. Ribar did an excellent job, as did Member Ostrowski. He said it was a fantastic effort and it would make a big difference for many people. Mr. Gienger said he saw the Road Rules Package as a cookbook on how to make a road.

## **12. Report of the Board's Committees**

### **• Forest Practice Committee**

Member Nawi, Chair of Forest Practice Committee, said the Committee had no actions to report.

Member Walz noted that the Forest Practice Committee had much discussion on the significant issue of the Northern Spotted Owl (NSO) and the U.S. Fish and Wildlife Service. He further stated that the Fish and Wildlife Service had created new definitions as to what constituted NSO habitat, and those definitions would make it extremely difficult for CAL FIRE to make determinations on plans. Member Walz suggested that the Board consider requesting that the Fish and Wildlife Service come before the Board and explain how the regulated public will be able to operate in light of the recent changes.

Member Nawi said there had been considerable discussion on this subject in the Forest Practice Committee over some period of time. At yesterday's Committee meeting, Assistant Deputy Director, Duane Shintaku gave a presentation on the new NSO guidelines. In addition, the Committee received a letter from Nadia Hamey of Big Creek Lumber Company that explained what the Fish and Wildlife Service was requiring relative to the San Francisco Garter Snake and the California Red-legged Frog. Member Nawi noted that the Committee believes that the pressing issues related to these federally listed species are of considerable importance and the Committee accordingly had a lengthy discussion on the subject. Member Nawi further explained that the collective Fish and Wildlife Service issue was also discussed at the Policy Committee meeting. And, because of the broader policy implications, the Forest Practice Committee decided that it would be appropriate for the issue, in its entirety, to be handled by the Policy Committee. Member Nawi suggested putting it on the agenda for the Policy Committee next month.

Member Ostrowski said the Department had proposed a best available solution in light of funding and staffing levels, but a potential changing of authority and long-term solution was needed.

Member Walz said there were many Timber Harvesting Plans for which CAL FIRE could not make a determination, and Fish and Wildlife would not make a determination. Member Walz reiterated his suggestion that the Board ask the Fish and Wildlife Service to appear before the Board next month to discuss how the matter would be handled.

Chairman Dixon responded that he had listened to the discussion yesterday at the Policy Committee meeting and felt the approach they took to deal with matter was a step in the right direction. Chairman Dixon asked the Board if they wanted to take the larger step and invite Fish and Wildlife Service to speak to the Board next month, or let the Policy Committee handle the matter.

Member Ostrowski, Chair of the Policy Committee, said he was not sure it would add anything to the solution right now. Member Ostrowski felt it was up to the Board to craft a solution, instead of asking the Fish and Wildlife Service to provide a solution. The Policy Committee will look for new ways to approach the issue.

Chairman Dixon expressed support for the Policy Committee's further work on the topic.

Member Nawi suggested that following next month's Policy Committee deliberations on the subject, the Board may yet need to send a letter to the Fish and Wildlife Service requesting that they come before the Board to explain their latest direction. Given the magnitude of the problem, such a request may be desirable following further Policy Committee discussion.

- **Policy Committee**

Member Ostrowski, Chair of the Policy Committee, said the Policy Committee had a discussion and further review on areas where questions exist on interpretation of the regulatory standards, including potential solutions. Issues encountered in achieving compliance with the regulatory standard of rules, including potential solutions and suggested regulatory modifications which would either (1) clarify existing rule language to better achieve the intended resource protection, or (2) which would reduce regulatory inefficiencies and maintain the same or better level of protection.

The Policy Committee reviewed and prioritized a chart entitled, Board of Forestry Rule Review 2007, which is included in the Board Binder. Member Ostrowski requested that each Committee review the chart and consider incorporation of the items therein into their respective agendas.

Chairman Dixon clarified that if one Committee Chair thought an item should be moved to another committee, and the other Committee Chair was in concurrence, the Board did not need to be involved.

**03-05-12: Member Ostrowski made a motion to forward the Rule Review Chart to the other Committees, have them review the chart, and report back to the full Board. Member Nawi seconded the motion. The motion passed unanimously.**

- **Management Committee**

Member Piirto, Chair of the Management Committee, said they met yesterday morning. A copy of the Management Committee Meeting Report is attached to the Board Binder.

The Management Committee heard a Department presentation on the updated Management Plan for La Tour Demonstration State Forest from CAL FIRE State Forest Program Manager, Helge Eng. The Management Committee recommended:

1. The Board include review of the Initial Study/CEQA Checklist for the La Tour DSF Management Plan as a Committee and full Board item on the April 2008 meeting agenda.
2. The Board enter into a contract with CAL FIRE to complete the Initial Study/CEQA Checklist.
3. The Board direct the Department to continue operations at La Tour DSF under the 2003 Management Plan.
4. The Board hold a public information meeting at a location to be determined in Redding prior to the April 2008 Board Meeting, provided it is possible to do so.

**04-05-12: Member Piirto moved that the Board accept the above four action items as stated at the Management Meeting on March 4, 2008. Member Giacomini seconded the motion.**

**Member Nawi asked if the Department had the ability and resources to perform this work.**



**Dr. Henly said it was the Department's expectation that an EIR would not be necessary, their initial assessment was that a mitigated negative declaration would suffice, but at the end of the process if it was found that an EIR was needed, the Department would not have the resources to provide that EIR.**

**All were in favor of the motion, and it passed unanimously.**

Member Piirto said Dr. Henly presented the Management Committee with a revised schedule for the state forests on how they were going to progress with their action plans.

Member Piirto said there was significant concern being addressed and brought up by Member Walz and himself regarding resource funding for major issues: northern spotted owls, T/I Rules, archaeology. The Management Committee would like to have the Director make a presentation on how resource funding cuts will impact the Department's Resource Management work.

Chairman Dixon asked the Executive Officer to schedule a presentation with the Director.

- **Resource Protection Committee**

Member Giacomini, Chair of the Resource Protection Committee, said after their exchange with Director Grijalva and State Fire Marshal Dargan, the Resource Protection Committee received strong commitment from both to move the Fire Plan forward. The Committee had no action items to report. A copy of Resource Protection Committee report is attached to the Board Binder.

**13. Report of the Regulations Coordinator**

No report was made. Tab #13 in the Board binder contained the updated Regulatory Schedule for 2008-2009.

**14. Report of Executive Officer**

Executive Officer Gentry deferred his report to next month.

**15. Public Forum**

Mr. Richard Gienger informed the assembly that a Salmonid Restoration Federation meeting would be held this weekend in Lodi. Mr. Gienger expressed concern for the future of the CAL FIRE archaeology program. He added that he didn't think the Director understood the gravity of the ongoing dissolution of the archaeology program, and its importance to the state. Mr. Gienger then noted his agreement with Member Walz's suggestion that the Board invite the Fish and Wildlife Service to present its perspective on the Northern Spotted Owl situation. He concluded by offering his support of the Director's proposed list of appointees for the Jackson Advisory Group.

16. **New and Unfinished Business**

There was no new or unfinished business.

Member Nawi pointed out that the Board Members received a letter for potential JDSF nominees, and he requested that the Board Members see the list of potential nominees, not just the ones selected by Director Grijalva.

17. **Adjournment**

Chairman Dixon adjourned the March 2008 meeting of the Board of Forestry and Fire Protection.

Respectfully submitted,

ATTEST:

George D. Gentry  
Executive Officer

Stan Dixon  
Chairman

Copies of the attendance sheets may be obtained from the Board Office.